

Practitioner's Docket No. 006398.00008

PATENT

Preliminary Classification:

Proposed Class:

Subclass:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Dave W. Gordon

For (title): THERMAL FOOT COVER

1. Type of Application

This application is for a continuation.

2. Benefit of Prior U.S. Applications (35 U.S.C. §§ 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are
ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR
U.S. APPLICATIONS CLAIMED.

{360686;}

EXPRESS MAILING UNDER 37 C.F.R. § 1.10*

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exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg.
56,439, at 56,442.

3. Papers Enclosed

- A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 (Design) Application

31 Page(s) of Specification
13 Page(s) of Claims
6 Sheet(s) of Drawing(s)--Formal

- B. Other Papers Enclosed

3 Page(s) of declaration and power of attorney as filed in parent application.
1 Page(s) of abstract

4. Additional Papers Enclosed

Amendment to claims

Cancel in this applications claims 2-31 before calculating the filing fee.

Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)

Preliminary Amendment

Information Disclosure Statement (37 C.F.R. § 1.98)

Form PTO-1449 (PTO/SB/08A and 08B)

Application Data Sheet

5. Declaration or Oath

Copy of executed Declaration enclosed.

Executed by:

* inventor.

6. Inventorship Statement

The inventorship for all the claims in this application is the same.

7. Language

English

8. Fee Calculation (37 C.F.R. § 1.16)

Regular Application									
CLAIMS AS FILED									
Basic Fee 37 C.F.R. § 1.16(a) \$770.00									
Number Filed		Number Extra			Rate				
Total									
Claims (37 C.F.R. § 1.16(c))	12	–	20	=	0	x.....	770.00	= \$	770.00
Independent									
Claims (37 C.F.R. § 1.16(b))	12	–	3	=	9	x \$	86.00	= \$	774.00
Multiple Dependent Claim(s), if any (37 C.F.R. § 1.16(d))									
						\$		\$	0.00

Amendment cancelling extra claims is enclosed.

Filing Fee Calculation

\$1544.00*

9. Assertion of Small Entity Status

Applicant hereby asserts status as a small entity under 37 C.F.R. § 1.27. Status as a small entity was asserted in the prior application 09/235,267 filed on January 22, 1999 and application 09/768,969, filed on January 24, 2001 from which benefit is being claimed for this application under 35 U.S.C. § 120 and which status as a small entity is still proper and asserted for this application.

Filing Fee Calculation (50% of above Filing Fee Calculation)

\$772.00

10. Fee Payment Being Made at This Time

Enclosed

Filing Fee

\$772.00

Total Fees Enclosed

\$772.00

11. Method of Payment of Fees

Attached is a check in the amount of \$772.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

12. Authorization to Charge Additional Fees

The Office is hereby authorized to charge, in the manner shown above, the following additional fees that may be required by this paper and during the entire pendency of this application.

37 C.F.R. § 1.16(a), (f) or (g) (filing fees)

37 C.F.R. § 1.16(b), (c) or (d) (presentation of extra claims)

37 C.F.R. § 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))

13. Instructions as to Overpayment

Credit Account No. 50-1971.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S.
APPLICATIONS CLAIMED
(37 C.F.R. § 1.78)**

14. Relate Back

Amend the specification by inserting, before the first line following the title, the following sentence:

B. 35 U.S.C. Sections 120, 121 and 365(c)

"This application is a continuation of
Application number 09/235,267 (PAT 6185845) filed on January 22, 1999 and
Application number 09/768,969 filed on January 24, 2001."

15. Maintenance of Copendency of Prior Application

n/a

16. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- (a) This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor in this application is the same.


17. Small Entity (37 C.F.R. § 1.28(a))

Applicant claims small entity status. Applicant has established small entity status by the filing of a statement in parent application 09/235,267 on January 22, 1999.

18. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

A notification of the filing of this continuation is being filed in the parent application, from which this application claims priority under 35 U.S.C. § 120.

Date: 2/12/04



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